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CASTENHOLZ, W. B.

GROWTH OF SOCIALISM IN GERMANY
DURING THE PERIOD OF THE
ANTI-SOCIALIST LAW
OF 1878

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# THE GROWTH OF SOCIALISM IN GIRMANY DURING THE PERIOD OF THE ANTI-SOCIALIST LAW OF 1878

by WILLIAM BURTICE CASTENHOLZ

# A thesis Submitted for the Degree of MASTER OF ARTS In History

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### CHAPTER I. INTRODUCTION.

Of all the countries in which socialism has become a dominant factor in politics, Germany stands first. In fact, socialism, in its modern scientific form, is largely a German product. The astounding successes of the Social Democratic Party in the election of 1898, surprised the world; 2.125.000 votes were cast and the Social Democratic Party to-day has the largest following in Germany. And, in the present as in the past, vain efforts are being made to stem the tide of revolution: Emperor William justly sees in socialism a menace to his throne. Repressive legislation, concessions and educational agitation. - all have failed to check the varowth of the socialist forces in Germany. We will be concerned chiefly with the greatest of these fruitless attempts to stop the onward march of the German worker, - the anti-socialist law of 1878, which remained in force until 1890.

Anti-socialist legislation did not begin in 1878.

Many years before, repressive measures had been formulated by the German government, but the year 1878 marks the beginning of the famous anti-socialist law, by which socialist activity was placed under an exceptional and extra-legal jurisdiction. Thus, during the FRanco-Prus-

sian war of 1870-71, the German government was irritated at the stand taken by the socialist deputies in the Reichstag. Liebknecht and Bebel opposed the war and refused to vote on the question of a war loan. When the French Republic was established, all the socialist deputies voted against an additional loan. The position taken by the socialists led the government to imprison several of their leaders. Evidently, little enthusiasm was shown for the socialist platform at this time of patriotic ardor. In the Reichstag election of 1871, only 102,000 votes were given the socialist candidates, and only two deputies were seated; but still, this was triple the vote cast before the war.

Even if the vote in 1871 was small, Bismarck saw that something had to be done; the police were reminded of their duty, - meetings were suppressed, agitators arrested, but all to no avail; in the election of 1874, the socialists cast 351,670 votes and nine deputies were seated, three of the Lassallian and six of the Eisenach faction: the Lassallians were the followers of Ferd. Lassalle and represented the conservative wing of socialism; the Eisenachers followed the teachings of Karl Marx, and were radically inclined. Naturally, the German government became seriously alarmed. "New means of per-

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secution were resorted to in various parts of the Empire Bismarck giving the example of energetic action under the cover of the law when possible, and by prompting the police in its assumptions of arbitrary powers when perchance legal tomfoolery was so deficient that it did not afford a 'better' method. In Prussia, availing itself of a statute enacted in 1850, when the reaction had triumphed over the revolutionary movement of 1848. the royal government dissolved the Lassallian organization, which however, managed to survive its official death. The Marxists, of course, were not treated with greater consideration, and every occasion was improved to harass their agitators and hinder their propaganda. From their press however, both factions derived great strength and it soon became known that the imperial government intended not only to muzzle it, but to destroy it, by demanding from the Reichstag a special provision against it in the proposed Imperial code, that was to be uniformly enforced throughout the Empire."

This repressive policy led to the most natural re-

Socialist Almanac p.18. See also Mehring, "Geschichte der deutschen Sozialdemokratie", and Winterer "Le Socialisme Contemporain."

sult, - the two socialist factions united at a Congress held at Gotha, in May 1875. The two separate organs. the "Sozialdemokrat" of the Lassallians and the "Volksstaat" of the Eisenachers were united under one management; the new organ of the united socialist force was called the "Vorwarts." The Gotha program and demands are the same as those of any socialist organization. The Gotha program was a compromise; Marxism however, predominatet. The Gotha program is important because it was the guiding instrument of the party for 16 years after its adoption. The Congress of Gotha was important from yet another point of view .- it showed the government the size and influence of the socialist movement in Germany. It was felt that something had to be done; the new Socialist Labor Party(Sozialistische Arbeiter Partei)? was compact and strong in purpose. The German press recognized the danger from this revolutionary force, but yet the Socialist Labor Party marched triumphantly onward.

Attempts were made in the Reichstag session of 1875-76, to check the growth of socialism; while the penal code was under consideration, Bismarck came forward with an amendment relating to the press; "it provided

<sup>1</sup> For Program, see Kirkup, "Hist. of Soc.p. 352.

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severe punishment by fine and imprisonment for 'any person, who in a manner endangering the public peace, incited different classes of the population against one another or in like manner attacked the institutions of matrimony, family or property'". It is needless to say that Bismarck's scheme failed; the other parties in the Reichstag were afraid to entrust the Imperial government with such arbitrary power, - the entire press might be put in jeopardy.

In March 1876, the Socialist Labor Party was excluded from Prussia by a Berlin court decree; the party was declared unlawful. "The immediate result of this order was that the next Socialist Congress could not be held as a congress of the party; in order to enable the Prussiam socialists to send delegates, a 'general congress of socialists' was called." At this Congress, which met at Gotha in August 1876, a reorganization was accomplished," by formally severing all connections between the local organizations and the central committee."

But in each community a trusted member ("Vertrauensmann")

Soc.alman.p.19. Ibid. P.20. Ibid.p.20 also Protokoll" of the Congress of Halle October 1890 p.116. and following.

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was chosen to represent his respective locality, and who was to be in communication with the central committee of five sitting at Hamburg; this central committee was a permanent election committee with dictatorial powers over agitation and elections. A check was put upon this committee by the further establishment of a committee of Revision and Appeals, consisting of seven members. In order to collect monies in Prussia, for the central fund, without coming in contact with the law, "a monthly leaflet, called the 'Elector' was issued and sold at a price equivalent to the amount elsewhere paid as party dues. "Thus the socialists easily outwitted Bismarck, despite the law in Prussia; the old relations were practically intact. That the Prussian government was annoyed can be gleaned from a report of the Prussian minister of police who believed, "dass es so selten gelinge, eine Verurtheilung der sozialistischen Redner und Schriftsteller durch die ordentlichen Gerichte herbeizuführen, und befürwortete demzufolge eine Abanderung der Gesetze damit durch eine kautschukartig dehnbare Fassung der einzelnen Bestimmungen den Staatsanwalten die Verfolgung, den Richtern die Verurtheilung der missliebigen Politiker erleichtert würde. The socialists regarded this

<sup>&</sup>quot;Protokoll" or Halle Congress p.116. Ibid.P.116
3 4
Soc.al.p.20 "Jahrb.f.Sozialw." I.1.p.197.

statement as a compliment since it showed clearly that they acted withen legal limits.

The election of 1877 showed still more the growing strength of social democracy; 486,843 votes were cast; in Berlin the vote had been tripled since 1874; 12 deputies were seated in the Reichstag, two or them from Berlin. The "Vorwarts" wrote immediately after the election.-2We know that our success will serve as a pretext to issue ractionary measures against us; we will know how to carry the consequences of our triumphs. The tenth or January has shown that in Germany there are only two parties: - the party of economic and political tyrants, the reactionary mass, and the party of those who are slaves as much from the political as from the economic point of view. On one side, we see capital, on the other labor. We have against us all the fractions of the possessing class; we have with us all that portion of the people who comprehend their interests."

It is now clear that anti-socialist legislation did not begin in 1878, but existed quate extensively before that date. In 1878 however, an exceptional opportunity was offered for drastic legislation against the "red terroe." On May 11, 1878, Hödel, a workingman, shot at

l Winterer, op. cit. p.142.

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the Emperor as the latter was passing through the Unter den Linden. Hödel was mentally unbalanced and he himself declared that he was an anarchist; he was an agitator for the anarchist cause and had travelled as such in Italy, France, Switzerland and Spain. He spoke for a timebefore social-democratic meetings in Saxony but was expelled very soon from the ranks of the socialists because of his anarchistic doctrines. The press, of course, at once raised a howl against the socialists. The "Berliner Tageblatt" charged the socialists with inciting such men; their party program it was stated, had in view the overthrow of all existing institutions and that such ideas would influence a light headed party member to violence and assassination. This press criticism is partly true and partly false. In all probability it is true that German social-democracy, in its early stage did tolerate the presence of anarchists within its ranks, but only because they were noy known to be anarchists. It is also true that socialistic teaching can mislead an unripe mind, but that fact does not by any means prove that Hödel was directly instigated by the socialists; murder and assassination are phenomena of society and seem tohave little to do with political doc-

Hahn, "Fürst Bismarck" III.p. 385. 2 Ibid. 387.

trines. A crank cannot be relied upon to interpret the platform of any progressive party correctly. The "Berliner tageblatt" said, "Gegen eine solche Partei sollte daher Alles was patriotisch denkt und fühlt, einmüthig Front machen. Eine Partei, die systematisch und programmmässig auf die Zerstörung aller bestehenden Verhältnisse ausgeht, eine solche Parteu hat nicht das Recht mit demselben Massa gemessen werden zu wollen, wie alle übrigen Parteien."

Bismarck at once came forward with a project for anti-socialist legislation. But the Reichstag rejected 2 the project by a vote of 251 to 57. The project was supported only by members of the two conservative parties. The National Liberals were not decisive in opposing any scheme which might annihilate German social-democracy; they opposed such legislation only to keep up the appearances of "liberalism," they claimed that they did not wish to deprive one party of political rights which would still exist for the whole people.

But the first anti-socialist project had hardly been defeated when a second attemt was made to assassinate the Emperor. The culprit this time was of good

Hahn, op.cit. III. 390. Soc.Alman. 22. 3
Jahrb. f. Sozialw. I.l.p.198.



family, - Dr. Nobiling. Nobiling's father had been insame and his sister was still in an asylum when the deed was committed. Nobiling's head had probably been turned by the notoreity which his predecessor Hödel had acquired The attempt was evidently not planned ahead of time; it was probably the result of temporary insanity. Nobiling's attempt came on June 2, 1878; no one thought of accusing him of having even the slightest connections with the socialists. Yet, hardly had the work been done, when all voices were joined in a new tirade against the socialdemocrats, Bismarck being especially vociferous in his denunciations. Even Moltke considered himself a wise judge of the political situation and declared socialist schemes to be chimerical; he further enunciated the very evolutionary doctrine that poverty and misery must always exist, and that no human institution can change these conditions.

l Jahrb.f.Sozialw. I.l.p.198. 2 Hahn, op.cit. III.p.402.

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### CHAPTER II. THE LEGISLATION.

On June 11, 1878, Bismarck dissolved the Reichstag which had refused to vote for his anti-socialist measure; July 30, was fixed as the date of the new election. Before the new Reichstag assembled the law, which was to be passed, was much discussed by the press and individuals of prominence. Most of the latter however, lost themselves in vituperation. Only von Bennigsen saw clearly what such legislation carried in its wake; he also opposed legislation in connection with, or as a consequence of Nobiling's act. Nobiling was not a socialist, - in fact, he spoke against socialism at every opportunity. Von Bennigsen believed that repressive legislation would create the very conditions it fought, and that the German government was simply showing signs of bankruptcy by resorting to such extraordinary measures. But such warnings were of no avail. Von Bennigsen spoke the truth as we shall see later, - socialism grew rapidly under repressive legislation.

Despite the anathemas which were hurled against the socialists, the election of July 30,1878, was a promising one for German social-democracy. Although their total vote (437,158), was smaller than that of 1877, yet

Soc. Alman. p. 23. Hahn, op. cit. III. P. 419.

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it showed large gains in industrial centers; in Berlin the vote rose from 31,522 to 56,147, - quite a gain for one year and under abnormal conditions; nine deputies large seated. The press was much surprised at this increase, - it was hard to realize how the socialists could be so successful when the whole country was crying them 2 down.

The new Reichstag was filled with a Conservative-Clerical majority, - just the kind of Parliament Bismarck was looking for. The Chancellor at once introduced his anti-socialist bill, which was prefaced in part as follows:

"It has become a necessity, for the preservation of the State and society, to adopt an attitude of determined opposition to the Social-Democratic movement. It is true that thought cannot be repressed by external compulsion and an intellectual movement can only be effectually combated by intellectual means. But such a movement, when it enters on false courses and threatens to become pernicious, may be deprived of its means of extension by legitimate methods.

"Yet the State alone will never succeed, even with the means proposed in the bill, in destroying the Social-Democratic agitation. These are only the preliminary

Soc.Alman.p.23. Hahn, op.cit. III.p.433.

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requisites of the cure, not the cure itself. Rather will it need the active cooperation of all the conservative forces of civilized society, in order, by the revival of religious sentiment, by enlightenment and instruction by strengthening the sense of right and morality among the people, and by future economic reforms, to effect a radical cure.

"The ordinary penal code is inadequate to stem the agitation in question, because of its predominatingly repressive character, in virtue of which it can indeed take cognizance of particular violations of the law. but not of a continuous agitation directed against the State and society. A revision in this department is. therefor, not advisable, especially as, in order to be operative, it would have to exceed the requirements of the present and would necessitate a permanent curtailment of rights. What is wanted is rather a special enactment which shall subject the right of association and public meeting, the freedom of the press and the pursuit of particular trades, as well as the liberty of removal from one place to another, to such limitations as shall exclusively operate against the dangerous aims of Social-Democracy; inasmuch as, confessedly, all morbid

and extraordinary conditions in the life of the State call for remedy by means of special legislation, directed exclusively to the removal of the immediate danger, and ceasing to operate as soon as its object is attained?

In discussing the law Bismarck remarked that he was ready at any time to support any positive improvement in the conditions of the working-class; the socialists. he claimed, had never offered any positive reforms. In this criticism Bismarck was certainly right .- socialism was only a negative force; but, we should remember that the terms "positive" and "negative" are after all only relative terms; what is negative one day may be positive the next. Socialism to-day, can only be a negative force because it has not the needed control of the machines of government to make its doctrines positive facts; its work to-day is critical; if it should ever gain control of the state, then it too will become a positive factor. Bismarck believed, moreover, that socialism destroyed the faith in God and in a future life, thus creating a recklessness which would lead to assassinations of kings and other potentates. Socialism would create "Lebensüberdruss."

Verh.d.d.Reichstags I.Sess.1878. 1-2.p.5 Aktenstäck
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Nr.4. Ibid.1-2.p.125. Hahn, op.cit. III.pp.486-7.

It is true that socialist philosophy breeds rationalism but not necessarily atheism, and, as far as "Lebensüberdruss" is concerned, there is decidedly more of that
created by the economic system under which we live than
by any number of ideas.

The socialist deputies in the Reichstag, of course, objected strongly to the passage of the bill. The most noteworthy speech was that made by Bebel on Sept. 16, 1878. Bebel admitted that socialism is a revolutionary doctrine but revolutionary in the true sense of that word: "bis heute hat die Sozialdemokratie noch nicht einen Nickelfunfer Privateigenthum gewaltsam genormen oder ruinirt. und sie will das Privateigenthum auch nicht in der Absicht angreifen, den einzelnen zu ruiniren"; he claimed that the socialists did not attack ptivate property to the damage or the individual but out of motives of public welfare; the law, by its provisions against the freedom of the press, the right of associat ion and the right of public meeting would disturb the civic life of the nation; viewed in this light the law would only foster additional opposition to the existing economic and political institutions and thus would create the very conditions it desired to prevent. Bracke, another soc-

l Verh.d.d.R.I Sess.1878. 1-2.pp.38-50.

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ialst deputy, declared that socialism was an altruistic doctrine and hence bts teachings were in every sense ethical, - the Church therefor had nothing to fear from it. Bebel, in an October speech, claimed that the law would give the police so much arbitrary power that much popular opposition would result. Bracke said somewhat later that individual socialists might suffer by the provisions of the law but that the socialist movement. as a whole, would not be touched. Liebknecht called the law- "legislation under false pretences", because it was created in connection with the attempt of Nobiling to assassinate the Emperor; that is, the government wanted to make it appear that, by legislating against socialism, it was legislating against that dangerous force in society which taught murder and assassination.

The anti-socialist law was adopted however, by a vote of 221 to 149; it was promulgated on Oct.21,1878.

Besides the socialists, the deputies of the Centre, the Alsatians and the Poles voted against the measure: the Centrists knew what exceptional legislation signified, they had tasted of it during the "Kulturkampf", period; the Poles and the Alsatians were already living under an

<sup>1 2 3</sup> Verh.d.d.R.I.Sess.1-2.p.82. Ibid.p.195. Ibid.p.201. 4 5 Ibid.p.344. Ibid.p.389.

exceptional law; the others voting against the bill, did not believe in the violent repression of socialism.

All socialistic, social-democratic and communicatic organizations were forbidden by the law; police control was provided for over all mutual benefit societies, - the police were present at the meetings of such societies, called and conducted the meetings, supervised the offices took charge of the funds and prohibited the introduction of any resolutions fringing on socialism. Socialist lit erature could not appear; the property of any organization publishing or printing socialist literature could be confiscated. Suspected persons could be expelled from the district of their activity. No socialist meetings were lawful, and imprisonment or fine was the punishment for anyone accomodating a prohibited society. No socialist literature was to be distributed nor were funds to be collected for socialist propaganda. A special committee of five was instituted to hear appeals from such societies as were prohibited. In certain districts the so called "minor state of siege" was to be declared; this was a provision, which was to apply to such centers of socialist activity where the ordinary repressive measures were insufficient to annihilate the

Verh.d.d.R. I Sess. 1878. 1-2.pp.50-389.Hahn III. 489.

evil; the large cities were to have the especial attention of the government given to them and the police authorities were to have greater power of initiative action. The law was signed on Oct. 21,1878 by the Crown Prince Friedrich and countersigned by Bismarck; it was to remain in force until March 31,1881, - although by a series of renewals it remained in gorce until Sept. 30,1890.

The anti-socialist law was immediately applied with rigor. The "minor state of siege", was declared successively for Berlin, Hamburg-Altona, Leipzig, Frankfurt-am-Main-Offenbach, Stettin and Spermberg. Yet the socialists were ready; they were prepared to grow even under these disadvantages. While the law was yet under discussion the "Vorwärts" published a manifesto of the central electoral committee which outlined in advance the conduct and course of action the socialists were to follow under the law. It reads in translation as follows:

"Soon our party will be deprived of its organization and direction. If the press is gagged, if meetings are no longer possible, we will no longer have the opportunity to use worker propagandists to spread our doctrines among the masses; there remains to the worker the family,

Verh.d.d.R.I Sess. 1-2. 1878. Nr.47-"Drucksachen".

For the law itself see Appendix I.

the workshop and his circle of friends; here is a triple means of action which no one can hinder and which wall always permit us to propagate our ideas and extend our common interests. A great number of treatises on the social problem have been published: let us study them. In study there is light, progress and the rampart against the shrivelling of the mind. One thing we will miss, it is true, as long as the exceptional law lasts, and that is the guidance or unity of direction. But we must resign ourselves to the situation; the education of the party has been completed during the last fifteen years. Comrades, it is no lenger in torn ranks that you march onward. The situation has changed, - we will change our Tactics. " We certainly cannot read any wild vagaries of anarchism in this selection. However, we do read there, a spirit of determination.

The police became active as soon as the law was promulgated; 67 social-democrats were expelled from Berlin during the first day of the "minor state of siege". Socialists are often accused of teaching doctrines destructive of the institutional of marriage and family. However, the leaflet issued by the 67 expelled socialists indicates quite the contrary. That document is addressed to

Winterer, op.cit. p.146.

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the socialists of Berlin, and it reads as follows:

"We the undersigned, having been stigmatized by the authority of the police as persons from whom a danger to public order and safety is to be feared, have been ban-ished from Berlin and its neighborhood.

"Before we give effect to this decision, and before we desert our homes and families to go into banishment, we hold it our duty to address a few words to you our comrades.

"People cast it up against us that we endanger public order.

"Comrades and friends! You know that as long as we were among you, and could speak to you by voice or pen, our first and last word was:

"No deeds of violence; observe the laws, but fight for your rights within the laws.

"We wish as our farewell to you to repeat these words for the last time, and to urge you to observe them now more than ever let the future bring what it may.

"Do not allow yourselves to be provoked!

"Do not forget that an infamous system of newspaper lies has succeeded in representing us to public opinion as men capable of every disgraceful act, as men whose purpose is destruction and deeds of violence.

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"Every mistake of a single one among us would have the worstconsequences for us all, and would give the reaction a justification for its coercive measures.

"Comrades! Workingmen of Berlin! We go from your midst into exile; as yet we do not know how far the fury of persecution may drive us, but be assured of this: wherever we may tarry, we shall always hold aloft the banner of the proletariat. But to you our request is, 'keep the peace'; let our enemies rage and slander us, heed them not!

"Repel the tempters who wish to incite you to riots or secret combinations!

"Hold fast to the solution which we have so often proclaimed to you: By our legality our enemies will be brought to destruction!

"And now, one last word, Friends and Comrades! The decree of banishment has hitherto fallen with one exception, only on the fathers of families.

"Not one of us is able to leave to those dependent on him more than the support of the next few days.

"Comrades! remember our wives and children! Fellow-workers keep the peace! Long live the Proletariat! Long live Social-Democracy!"

l Quoted from Russel, "German Social Democracy". pp. 104-5.

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There is certainly no destructive spirit to be found in the above quoted document. In fact, socialism has never yet constructed a philosophy destructive of any element of social solidarity,— its doctrines are constructed with the idea of creating greater social cohesion; it attacks only the economic organization of the day and endeavors to show how that economic organization is detrimental to social solidarity; how poverty and ignorance are chiefly due to economic conditions, and how even, in the capitalist regime, the family and the marriage tie are distortions.

The fear that the party would have no guiding hand was soon seen to be groundless. The socialist deputies took this matter in hand. The reports of the proceedings of the Reichstag were, of course, privileged and the speeches of the socialist deputies were published by the party and spread broadcast. Expelled socialists were viewed as martyrs by their comrades and acquired more influence than if they had remained in their respective districts. The persecution gave the party a solidarity which it had never had before. At first, of course, things seemed to go slow, errors were made and many socialists were confused. But such conditions were only temporary; soon the party was thoroughly prepared for the struggle.

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The expelled agitators were replaced by others; a secret press was created; the "Sozialdemokrat", the chief organ of the party, soon appeared at Zürich and copies were plentifully smuggled into Germany. The "Provinzial-Correspondenz" of Dec. 4,1878 reports that the social-democrats have not stopped their agitation at all,—they simply agitated in a different manner because of their new position; secret societies propagated the doctrines; it was also reported that the German Social-Democrats were in union with the Russian Nihilists. This latter statement cannot be accepted at all; there is not the slightest bit of evidence on hand to show that the German socialists were ever in union with the Nihilists or that they ever contemplated such a union.

Bismarck could hardly endure the activity of the socialist deputies in the Reichstag; he wished, if possible, to gag them or rid himself entirely of them. On Feb.15, 1879, " a letter from the police authorities was submitted to the Reichstag, asking its consent to the arrest and prosecution of two socialist deputies for an alleged violation of those provisions relating to the "minor state off siege." Naturally there was much opposition, and

Jahrb.f.Sozialw.I.l.p.200. Hahn, op.cit. III.p.507.

Soc.Alman.p.25.

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when one of the supporters of such measures proposed an amendment to the law, "subjecting the deputies to its operation, so that they could be arrested and prosecuted at any time without the consent of the Reichstag", some one at once cried out, "the Constitution!" The Reichstag lby a large vote refused to grant the police such power. Bismarck made another attempt to muzzle the socialist deputies on March 4,1879, when he introduced a bill which gave to the Reichstag the power to remove any of its members, "who abused their parliamentary privileges", and further that the Reichstag could "forbid the publication of its proceedings whenever in its judgement such a proposition was desirable." The bill, it is needless to say, was defeated by a large majority, the Reichstag was not as submissive as Bismarck had expected.

The socialists were meanwhile marching quietly on-ward. In May 1879, Reinder, one of the socialist deputies, died; people were surprised when they learned that about 12,000 workers followed his bier to the burial grounds. "Welcher Monarch hat je ein solches Begräbniss 3 gehabt." Not an iota was yielded by the social-democrats in principle; they were the same political factor as be-

Verh.d.d.R.1879. IISess. Anlagen, Nr. IV. pp. 326-339.
2 3
Soc. Alman. p. 26. Jahrb.f. Sozialw. I. 1. p. 202.

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fore. And it was right here wherein the law failed, -it did not put the socialists out of active politics as Bismarck had hoped it would.

Despite the anti-socialist law, and bts provisions against the publication of socialist literature, many books of at least a socialistic character appeared; such was, for example, Schäffle's "Quintessence of Socialism"/ Many man, at this time, were advocatin; the nationalization of the railways; municipalization of street railways actually did occur in several places. However, these activities have very little affinity with the socialist mind; the socialist claims that government ownership as such, does not necessarily better the condition of the working-class. - there might be the possibility of the government being a greater exploiter of labor than the private capitalist; the socialist wants a government of the working class, - there is to be no exploitation of labor under socialism because there are to be no exploiters- the private capitalist is not to exist in the state of the socialists.

For a short time after the anti-socialist law became a fact it seemed as if the party would succumb; but in reality the party lost nothing in strength, - only in the

l 2 Jahrb.f.Sozialw.I.1.202. Ibid.p.202

outward ranifestations of that strength did it seem the loser. Within the party a thorough reorganization was in progress; it was a spontaneous reorganization determined by local needs and conditions. The elections showed clearly that German Social Democracy was not dead; thus in the Saxon Landtag election of 1880, three seats were secured by the socialists, - before 1880 they had only one seat in that body.

The tactics of the party and theparty program were the same as determined by the Gotha Congress of 1875.

The "Sozialdemokrat", in its first issue, writes: "Die prinzipielle Grundlage unseres Wirkens bildet das von den Parteigenossen allerwärts anerkannte Gothaer Programm. Wohl gilt uns dasselbe weder - wie sich einer seiner Väter selbst ausgedrückt- als ein papiernen Pabst noch als ein steinernes Dogma, wie es denn auch kein Sozialist je als für alle Zeiten unverbesserbar gehalten hat."

Yet it is admitted that the program and resolutions of the Gotha Congress in their totality are to form the bases, both of party doctrine and party tactics. The "Sozialdemokrat" says further that the party "is still a party of revolution in the true sense of that word",

l 2
Jahrb.f.Sozialw.I.2.p.251. Ibid.I.2.p.253.
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Ibid.I.2.p.254.

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and in conclusion it claims that the socialist will not in any manner violate the common laws; the "Sozialdemo-krat"? which was published in Zürich, agreed entirely with the tactics and principles of the German Social 1

Democratic Party.

The tactics of the party were in short as follows: participation in all elections, wherever and whenever possible; general guidance of the whole party by the socialist deputies in the Reichstag, - agitation and propaganda in general to be left to local autonomy; no fusion with any other political group.

On Feb. 12,1880, the Reichstag considered the proposition of prolonging the anti-socialist law. The socialist deputies took an active part in the debates; Bebel made a noteworthy speech on the prolongation of the "minor state of siege"; he tried to show up the autocracy and brutality of the Berlin police, something which we have seen Bebel claim in 1878 as a natural consequence of the law. Vahlteich also spoke; his speech is noteworthy because it was a good defense of socialist tactics and doctrine. The socialists were accused of desiring to produce a revolution of blood and thunder. Vahlteich denied this; in the first place he showed that such

Jahrb.f.Sozialw.I.2.p.255. 2 Ibid.I.2.pp.250-56.

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tactics were impossible because of Germany's great military strength; he admitted that there might be an economic revolution, but he used the term "revolution" in its scientific sense i.e., as the culminating moment in the development of things. He ends up as follows: "Also wenn Sie Revolutionen nicht gern haben, wenn Sie sich dafür fürchten- und das scheint doch der Fall zu seindann vermeiden Sie diesselben- wir machen sie nicht."

The motives given for the prolongation of the law as discussed in the session of 1880, were that-socialism had not been suppressed and that the state needed a strong weapon to destroy the evil. The Committee wanted the law extended until Sept. 30,1886, but the Reichstag compromised the matter; the result was extension until Sept. 30,1884. Section 28,Nr.3 of the law of 1878 was elucidated as follows: "Die im Parag. 28,Nr.3 des Gesetzes vom 21 Oktober,1878 getroffene Bestimmungen wird dahin erläutert, dass dieselbe auf Mitglieder les Reichstags oder einer gesetzgebenden Versammlung, welche sich am Sitze dieser Körperschaften während der Session derselben aufhalten, keine Anwendung findet." This elucidation grew out of the attempt of Bismarck to gag and arrest the soc-

Verh.d.d.R.Sess.III,1880.vol.l.under date. Hirth, An
nalen d.d.R.1880 p.600. Ibid.608. Ibid.608.

ialist deputies of the Reichstag in 1879, which fact has already been considered.

In August 1880, the German socialists secretely met in congress at Wyden, in Switzerland. Fifty-six delegates from Germany, representatives of German socialists in Switzerland, France and Belgium also attended. Only three radical socialists were present. Winterer, in his dissussion of the work of the Congress says: - "The Congress replaced the old public organization of German socialism by a secret organization. The Gotha program which was maintained, had declared that German socialism would pursue its end by all legal means in its power: the Congress of Wyden resolutely erased the word "legal" from the program of the party." But this did not necessarily imply that the German socialists were going to adopt any wild or dangerous methods; they simply recognized that they could not act under the common laws , because socialism had been put under extra-legal jurisdiction; why then retain a term which no longer had any meaning? The socialist deputies in the Reichstag were to direct the party; the "Sozialdemokrat", appearing at Zürich, was made the official organ of the party, and it was decided to hold

Winterer, op.cit.p.153. Mehring, op.cit.II.p.430.

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a congress annually if possible, or at least once every l three years. Participation in all elections was recommended.

Most and Hasselmann were expelled from the party, be cause they had become anarchists. The Congress expressed sympathy for the Russian Nihilists, but it was made clear that no Nihilistic tactics were serviceable in Ger-4 many.

The "Jahrb.f.Sozialw., a contemporaneous publication, reports that as early as 1880 it was seen that the antisocialist law was a failure. The party was not disorganized; the law had hoped to destroy the organization
and not the convictions of its members, as Bismarck expressed himself in a passage given above.

Moreover there were two organizations that had hoped to benifit by the anti-socialist law, - these were the "Christliche-Soziale Partei", and the "Hirsch-Dunkerschen 6 Gewerbvereine." These organizations were endorsed by 7 the conservative and liberal press. The German socialists refused to be caught by any reform traps, - they were class-conscious; thus the table makers of Berlin, in their

wage battles, refused to join the "Gewerhvereine."

The Conservative paper, "Schwäbische Merkur", complains that Germany was being flooded with socialist literature, despite the laws, and that the movement was actively alive; the political pamphlet, secretely distributed, was a fruitful means of agitation.

l 2 Jahrb.f.Sozialw.II.p.188. Ibid.p.189.

CHAPTER III. BEGINNING OF POSITIVE REFORM
MEASURES BY THE GERMAN GOVERNMENT.

The election of Oct. 27,1881, showed a decrease for the socialists; 311,961 votes were cast and 12 deputies were seated; the vote however, was a concentrated one, and by no means indicated a weakening in the party; it represented a gain of three seats in the Reichstag; agitation had been concentrated in the large industrial centers, whereas little or no attention was given to the agricultural districts or smaller towns; hence the smaller vote but the larger representation.

On Nov.17,1881, the new Reichstag session was opened. The emperor, in his message read by Bismarck, at once entered upon the problem of governmental reform. That message reads as follows:

"We consider it Our Imperial duty to impress upon the Reichstag the necessity of furthering the welfare of the working people. We should review with increased satisfaction the manifold successes, with which the Lord has blessed Our reign, could we carry with Us to the grave the consciousness of having given Our country an additional and lasting assurance of internal peace, and the conviction that We have rendered the needy that assis-

I Jahrb.d.Sozialw.II.p.189.

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tance to which they are justly entitled. Our efforts in this direction are certain of the approval of all the federate governments, and We confidently rely on the support of the Reichstag, without distinction of parties. In order to realize these views a Bill for the Insurance of Workmen against industrial accidents will first of all be laid before you, after which a supplementary measure will be submitted providing for a general organization of Industrial Sick Relief Insurance. But likewise those who are disabled in consequence of old are or invalidity posses a well founded claim to a more ample relief on the part of the state than they have hitherto enjoyed. To devise the fittest ways and means for making provision, however difficult, is one of the highest obligations of every community based on the moral foundations of Christianity. A more intimate connection with the actual capabilities of the people, and a mode of turning these to account in corporate associations, under the patronage and with the aid of the state, will, We trust develope a scheme to solve which the state alone would prove unequal."

<sup>&</sup>quot;The Workmens Insurance of the German Empire," a guide prepared by the Imperial Insurance Department for the World's Fair at Chicago. Berlin 1893.pp.3-4.

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The government kept its promises; "compulsory insurance based on mutuality and self-administration," was introduced. Enactments of 1883 to 1889, and supplementary legislation later introduced the insurance scheme in its various phases.

The Insurance project of the government was clearly a scheme to stop the growth of socialism. The anti-socialist law could not do it. We find proof of this in the same message of the emperor, quoted in part above. He says:- "As we have already stated last February, we are of the firm opinion that the cure of social ills cannot alone be accomplished by repressive measures against the social-democrats; contemporaneous, positive reforms for the workers must be brought about."

The socialists at once saw the government reform schemes in their true light. They saw in them an attempt to lead the worker from the field of class conscious demands to the field of government charity. Bebel, in the discussion of the Insurance project, said in part:-"What the Imperial Chancellor is offering is anything but social reform. What is his Accident law, or his Old Age law? In each case a mere police law for the regulation of the poor system. Is this solving the social problem? Why, it

Verh.d.d.R.Sess.,V.1881. Nr.14.p.29.

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is not even breaking the way for social reform. Your aim in truth, is not reform at all. Your aim is solely to destroy our organization. You have not succeeded so far and you will never succeed."

It certainly does seem that the Workers Insurance scheme was simply an attempt to turn the socialists from their adopted course of action; it seems rather ironical, to say the least, for a government, that was everywhere breaking up workers' associations, to speak of its great interest in the laborers' welfare. This Insurance was merely to give the worker a very neagre security while he was incapable of work.

The socialists, of course, as to-day, could show no sympathy for this state charity. In their minds the permanent solution of the social problem is the essential feature. Workers' Insurance does not solve the conflict between labor and capital; socialism wishes to solve that problem by uniting capital and labor. We shall see later, however, that the workers' insurance laws did have beneficial effects upon the German laborer, but he understands the nature of these laws, and he has not withdrawn his support from socialism; even the socialists later admitted that these laws were of value, but only as palliatives; they understood the laws, they were not misled by them.

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That socialism was not crushed in1881, appears by
the report of Nov. 21,1881, in the Reichstag, which reads:"The socialist movement has not been arrested in Germany;
it is untouched. Its old organization subsists. It maintains its secret meetings and spreads publications of all
kinds. It has not given up its attempt to introduce socialism into the army. It is true, there is a schism between the socialist party and the revolutionary party;
but the two parties have equally as object the overthrow
of the existing social state; and, as to danger, the
means proposed by both to arrive at their ends resemble
each other. The German socialists have not ceased in their
efforts to extend their relations with the revolutionists
of other countries."

Does this report agree with the decreased vote of 1881? It certainly does; although the total vote was smaller, it was a concentrated vote in the large industrial centers; for this reason, more deputies were seated than in 1878, when a larger vote was cast by the socialists.

The reports in 1882 are the same, - we find that socialism has not been checked. Von Puttkamer said in Dec. 1882: -"It is unquestionable that we have not succeeded

Verh.d.d.R.1881; under date. Soc.Alman.p.27.

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in wiping social-democracy from the face of the earth, lor even shaking it to its center." In fact, after 1881, there can be no doubt as to the successful growth of the Social Democratic Party, - the increased vote from election to election vouches for that.

The next landmark, in the history of the Social Democratic Party, is the Congress of Copenhagen, which was in session from March 29 to Apr. 2,1883. The receipts from Aug. 5,1881 to Feb. 28,1883, were reported as amounting to 95,000 M., besides the 20,728 fr. sent to Zürich. It was reported that those places under the "minor state of siege." were the most active fields of party work. The subscription to the "Sozialdemokrat" had increased fourfold since the Congress of Wyden. The socialist deputies in the Reichstag were to direct the coming elections of 1884, with the privilege of establishing sub-committees to aid them in their work. Intense agitation was advised. Only such candidates were to be nominated as accepted the party program in full, and who were willing to act under the direction of the "Parteivertrotum," On the subject of the government schemes of reform, the Congress declared that it believed neither in the sincerity nor in the ability of the ruling classes in such matters. But, the

Soc. Alman.p.27.

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any measure which would better, even temporarily, the condition of the working class, - remembering however, that such measures were only palliatives and hence were never to be regarded as solutions to the social problem. In the matter of tactics, it was recommended that religious questions be avoided; no attacks were to be made on religion; it was further recommended that more propaganda be made among the peasants, women and students; and finally, professional associations were to be established in order to get the professions interested in socialist agitation.

In 1884, the discussions for the further prolongation of the anti-socialist law came up again in the Reichs tag. It was to be extended as a condition for additional governmental reforms. That is, the government wished to kill socialism so that it could take up the reform program itself; this was probably fly-paper to catch the German voter.

Bismarck, in his speech on the extension of the law practically declared that he wished to make socialism unnecessary by making the state a reformer; in short, he wished to convert the social-democrats into state social-

Mehring, op.cit.II.459-60. Winterer, op.cit.pp.156-58.
Hahn, op.cit.IV.p.545.

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ists. The anti-socialist law was extended to Sept. 30, 1 1886.

The election of 1884 showed clearly that the antisocialist law had had no permanent effect on the growth
of the party; 599,990 votes were cast in the Empire and
24 deputies were seated in the Reichstag, - just double
the number of 1881. In Berlin the vote rose to 69,000.

Of course the government was alarmed, and a more repressive policy was adopted. From Oct.1,1884 to Sept.30, 31885, seventy-six meetings were dissolved in Berlin alone. Some of the delegates who had attended the Copenhagen Congress were arrested and imprisoned, on the argument that such a congress was a manifestation of an unlawful 4 combination.

In 1886, the anti-socialist law was again prolonged to Sept.30,1888. At the same time it was permitted to hold meetings now of social-democratis intent; attendance at previously forbidden meetings was permitted, and the "minor state of siege?" was to be raised everywhere save at Berlin. The election of 1887 again showed Bismarck that socialism was not dead, but a living and growing

l 2
Hahn, op.cit.IV.p.553. Soc. Alman.p.28.
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V.d.d.R.1885.II Sess.Vol.IV.Anlagen Nr.17.p.76-79.
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Soc. Alman.p.29. Hahn, op.cit.V.pp.330-336.

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force; 763,128 votes were cast; in Berlin 40% of the total vote fell to the socialist candidates, or 93,335 votes. But due to party coalitions the number of deputies in the Reichstag fell from 24 to 11.

In Oct.1887, the German socialists met in congress at St.Gall. The Congress of St.Gall repudiated all connections with the anarchists. It was recommended that candidates be put up wherever it was believed any socialist vote could be polled; no compromise with any other party was to be made.

Because of the growth of the socialist vote in 1887, Bismarck expressed the desire, in Nov.1887, to have the anti-socialist law prolonged for five more years, with such additional, stringent provisions as the right, for example, of complete expatriation and banishment from 3 Germany. Such extreme suggestions evidently show that Bismarck was at the end of his rope.

It seems from the report made by Singer in the Reichstag on Jan. 27,1888, that the government had participated in disreputable schemes in order to bring the socialists 4 to justice. Singer, the socialist deputy, made the fol-

Soc. Alman.p.29. Mehring, op.cit.II.p.513-16. Winter-3 er, op.cit.p.158-9. Mehring II.p.517.

Verh.d.d.R.1888. III Sess. Under date.

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lowing revalations: that two men, Charles Schroeder and Christian Haupt, both anarchists, had been used by the German government to incite socialists to acts of violence, so that the latter might then be brought to justice. Mehring, a socialist writer, thinks that Singer's revelation before the Reichstag was of real effect in dealing the death blow to the anti-socialist law. No one denied the accusations made by Singer, and this certainly made things look decidedly suspicious.

On Feb.18,1888, the anti-socialist law was extended for the last time, and viz., until Sept.30,1890. There is little of interest between these two dates. Bismarck's authority was already on the decline; Emperor William died March 9,1888 and his successor was not decidedly anti-socialistically inclined. It is true that Bismarck succeeded in having the "Sozialdemokrat," expelled from Switzerland, but the paper started up again in London with a larger subscription list than ever.

In July 1889 the International Workingmen's Congress met at Paris; 20 countries were represented by 395 delegates. The German Social Democrats were here recognized as the leaders in the struggle of labor.

Mehring, II.p. 520. Ibid. 521; Winterer,p. 160

Mehring, II.p. 527.

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In 1890 came the end of the anti-socialist law. The government tried to carry a project through the Reichstag, by which a permanent anti-socialist law might exist. However, from the first reading, the project's fate seemed doubtful. A small group of Centrists declared that the law against the socialists had been judged, and that it had no force. The government project was turned over to a committee which accepted the indefinite duration of the law, but only on the condition that no more expulsions be permitted from those places under the "minor state of siege." On the third reading the Conservatives refused to vote for a project of law thus mutilated. Hence, the National Liberals were almost alone in their support of the law. As a consequence, the project was defeated by a vote of 169 to 98, and the period of the antisocialist law was over. On Oct. 1, 1890, the German socialists reentered the regime of the common law again. And, in the election of 1890, - 1,427,298 votes were cast to advertise to the world that German socialism had not been killed by repressive legislation.

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Winterer, op.cit.p.165.

Verh.d.d.R.1890.Sess., V. Jan. 25.

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## CHAPTER IV. SUMMARY.

During the twelve years of anti-socialist legislation, 155 periodical and 1200 non-periodical publications were suppressed. Due to the "minor state of siege" over the various cities, about 900 socialist agitators were exhiled. About 1500 people were imprisoned or fined by the courts, for direct violation of the law; besides this number, many were punished on trumped up charges of "lese majeste." About 360 diverse associations were dissolved. Such were the losses of the party.

Now let us review the growth of the party. We have seen that the vote in 1878 was 437,158; the party polled 1,427,298 votes in 1890, an increase of almost a million. Bebel declared at the Congress of Halle, that the progress of the party during the period of anti-socialist legislation was very largely due to the activity of the socialist deputies in the Reichstag. At the time of the promulgation of the law, there were 42 political and 14 trade papers in existence; in 1890, there were 60 political and 41 trade papers; the subscriptions increased from 165,000 to about 500,000. This was certainly a phenominal growth for the socialist press, under such re-

Protokoll" of Halle Congress, 1890.pp. 30-31.

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Ibid.p. 33. Ibid.p. 33.

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pressive conditions. The financial progress of the party was also quite considerable. The receipts from Nov. 1878 to Aug. 1880, (Wyden) amounted to 37,100 M; from Aug. 1880, to Apr. 1883, (Copenhagen) 95,000 m; from Apr. 1883 to Oct. 1887, (St. Gall) 188,600 M; and in the period from Oct. 1887 to Oct. 1,1890, they were 390,509 M.

How can we account for this growth, when the government adopted every possible means to crush the life out of the socialist movement? Why were the workers not satisfied with the State Socialism proferred by Bismarck?

Socialist philosophy has at its basis the idea that society is divided into economic classes; these classes all struggle for the same thing, - the industrial products of society. The socialist holds that the laborer produces all wealth, and hence, as the active producer, he should control both the means of wealth production and the distribution of the product. As yet, however, the laborer has not realized his importance, - hence the socialist attempts everywhere to arouse him to class consciousness. On the basis of that class consciousness, the worker is to be organized into political parties, by means of which he is to gain control or the state, and then abolish the system of private ownership in the means

Halle "Protokoll", p.36.

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of wealth production and distribution; socialism, in fact, implies nothing more than the establishment of a workers' republic, - a worker being anyone who is useful to society.

With these ideas in mind, it seems not at all difficult to explain the growth of socialism from 1878-1890, and the failure of Bismarck's reform schemes.

In the first place, we have in Germany, the caste system, - there is a chasm between the upper classes and the worker. Even the bourgeoisie have no ties which bind them to the laborer; the bourgeoisie imitates the nobility. Under such conditions, it was certainly easy to create a class-conscious spirit among the workers. Given this class consciousness, which certainly exists in Germany, we can readily imagine how suspicious the worker is of projected reforms by the bourgeoisie or capitalists. Hence the attitude of the German socialist to the Insurance schemes. It is true that the socialists accepted the Insurance, but only because they understood it. The socialists have argued that the scheme of Industrial Insurance has raised the physical standard of the laborer, and by doing so it made him realize better than ever his class position; it seems that with material progress goes skepticism, or the desire to better one's condition. Bismarck, by granting state reforms, gave the worker a better weapon with which to fight his battles for indus-

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trial and social democracy; the laborer was equipped with a healthier body and a better mind. And the German socialist accepted the reforms only as a weapon, as an added means to the one end, - socialism.

We should always keep in mind that reforms are not the object of socialism; socialism offers a revolutionary program, in the true sense of the word. Reforms are changes not affecting the basic organization of society; socialism wishes to change the very basis of society. Reforms do not abolish the wage system,— socialism would destroy that system. And hence, the socialist can view reforms only as temporary palliatives by which the worker may be strengthened for the final battle,— the coming social revolution, which is to convert society into an industrial democracy.

At all times did the socialists advocate methods of peace, in the acquisition of political power. Bismarck attempted several times to inveigle them into violence; more than once he accused them of anarchistic designs. If we look into this question very closely ,we are inclined to think that the socialists acted more honestly and openly than Bismarck. At the Halle Congress, Lieb-knecht made a final repudiation of anarchism. He said:"We shun brute force. And yet we are a party of revolution, that we have never denied. We wish to change the

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existing system of wealth production; this distinguishes us from all other parties. But in the use of force, our opponents have outdistanced us. That which gives us our strength is that agitation which appeals to the masses; our tactics must be such, that we can convince them that we are struggling for power by wise means. What has come to the appeal to force? Ina month, it will be just three years since the Chicago anarchists were executed. What is the meaning of that execution? It was the execution of the theory which opposes force to force. If we were to rely on such methods, we would be lost."

What were the chief means of agitation while the antisocialist law was in force? German socialism simply hid
itself for work in mutual aid societies, musical and
pleasure clubs, and singing societies; but the professional clubs soon assumed the leadership in propaganda;
they issued the decisive orders; secret meetings were
held under their auspices. These professional clubs, more
than any other force, guided the German socialists to
victory. The army was also made an excellent field for
agitation, and it remains so to this day.

Among other causes of socialist advance, may be mentioned the facts of economic pressure and the army burden.

l "Protokoll" of Halle Congress, 1890. p.57.

The attack on such civil rights as the freedom of speech and the press, naturally aroused much opposition, and must certainly have driven many workers and others into the socialist camp. The untireing activity of the socialist leaders, of course, was the great positive cause of socialism's rapid growth. And when finally the socialists emerged from the fray in 1890, they were stronger than ever, and since then we have heard only of additional victories for the Social Democratic Party of Germany.

#### APPENDIX I.

## GESETZ gegen

die gemeingefährlichen Bestrebungen der Sozialdemokratie (Nach den Beschlüssen des Reichstags in dritter Berathung

WIR WILHELM, VON GOTTES GNADEN DEUTSCHUR KAISER,

KONIG WON PREUSSEN etc. verordnen im namen des Reichs, nach erfolgter Zustimmung des Bundesraths und des Reichstags, was folgt:

I.

Vereine, welche durch sozialdemocratische, sozialistische oder kommunistische Bestrebungen den Umsturz der bestehenden Staats- oder Gesellschaftsordnung bezwecken, sind zu verbieten.

Dasselbe gilt von Vereinen, in welchen sozialdemokratische, sozialistische oder kormunistische auf den UMsturz der bestehenden Staats- oder Gesellschaftsordnung
gerichtete Bestrebungen in einer den öffentlichen Frieden
insbesondere die Eintracht der Bevölkerungsklassen gefährdenden Weise zu Tage treten.

Den Vereinen stehen gleich Verbindungen jeder Art.

2.

Auf eingetragene Genossenschaften findet im Falle des #.I Abs. 2 der #. 35 des Gesetzes vom 4.Juli 1868, betreffend die privatrechtliche Stellung der Erwerbs-und Wirthschafts-Genossenschaften (B.)G.)Bl. S. 415 ff.),

Anwendung.

Auf eingeschriebene Hilfskassen findet im gleichen Falle der #.29 des Gesetzes über die eingeschriebenen Hülfskassen vom 7. April 1876 (R.-G.-Bl. S. 125 ff.) ANwendung.

3.

Selbstständige Kassenvereine (nicht eingeschriebene), welche nach ihren Statuten die gegenseitige Unterstützung ihrer Mitglieder bezwecken, sind im Falle des #. I
Abs. 2 zunächst nicht zu verbieten, sondern unter eine ausserordentliche staatliche Kontrolle zu stellen.

Sind mehrere selbständige Vereine der vorgedachten Art zu einem Verbande vereinigt, so kann, wenn in einem derselben die im #.I Abs. 2 bezeichneten Bestrebungen zu Tage treten, die Ausscheidung dieses Vereins aus dem Verbande und die Kontrolle über denselben angeordnet werden.

In gleicher Weise ist, wenndie bezeichneten Bestrebungen in einem Zweigvereine zu Tage treten, die Kontrole auf diesen zu beschränken.

4.

Die mit der Kontrole betraute Behörde ist befugt,

- I. allen Sitzungen und Versammlungen des Vereins beizuwohnen;
  - 2. Generalversamlungen einzuberufen und zu leiten;
  - 3. die Bücher, Schriften und Kassenbestände einzu-

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sehen, sowie Auskunft über die Verhaltnisse des Vereins zu erfordern;

- 4. die Ausführung von Beschlüssen, welche zur Förderung der im #. I Abs. 2 bezeichneten Bestrebungen geeignet sind, zu untersagen;
- 5. mit der Wahrnehmung der Obleigenheiten des Vorstandes oder anderer leitender Organe des Vereins geeignete Personen zu betrauen;
- 6. die Kassen in Verwahring und Verwaltung zu nehmen.

5.

Wird durch die Generalversamm lung, durch den Vorstand oder durch ein anderes leitendes Organ des Vereins den von der Kontrolbehörde innerhalb ihrer Befugnisse erlassenen Anordnungen zuwidergehandelt oder treten in dem Vereine die im #I. Abs. 2 bezeichneten Bestrebungen auch nach Einleitung der Kontrole zu Tage, so kann der Vereine verboten werden.

6.

Zuständig für das Verbot und die Anordnung der Kontrole ist die Landespolizeibehörde. Das Verbot ausländischer Vereine steht dem Reichskanzler zu.

Das Verbot ist in allen Fällen durch den Reichsanzeiger, das von der Landespolizeibehörde erlassene Verbotüberdies durch das für amtliche Bekanntmachungen der

Behörde bestimmte Blatt des Ortes oder des Bezirkes bekannt zu machen.

Das Verbot ist für das ganze Bundesgebiet wirksam und umfasst alle Verzweigungen des Vereins, sowie jeden vergeblich neuen Verein, welcher sachlich als der alte sich darstellt.

7.

Auf Grund des Verbots sind die Vereinskasse, sowie alle für zwecke des Vereins bestimmte Gegenstände durch die Behörde in Beschlag zu nehmen.

Nachdem das Verbot endgültig geworden ist, hat die von der Landespolizeibehörde zu bezeichnende Verwaltungs behörde die Abwickelung der Geschäfte des Vereins (Liquidation) geeigneten Personen zu übertragen und zu über wachen, auch die Namen der Liquidatoren bekannt zu machen

An die Stelle des in den Gesetzen oder Statuten vorgesehenen Beschlusses der Generalversammlung tritt der Beschluss der Verwaltungsbehörde.

Das liquidirte Vereinsvermögen ist, unbeschadet der Rechtsansprüche Dritter und der Vereinsmitglieder, nach Massgabe der Vereinsstatuten, beziehungsweise der allgemeinen gesetzlichen Bestimmungen zu verwenden.

Der Zeitpunkt, in welchem das Verbot endgültig wird, ist als der Zeitpunkt der Auflösung oder Schliesung des Vereins (der Kasse) anzusehen.

Gegen die Anordnungen der Behörde findet nur die Beschwerde an die Aufsichsbehörden statt.

8.

Das von der Landespolizeibehörde erlassene Verbot sowie die Anordnun; der Kontrole ist dem Vereinsvorstande, sofern ein solcher im Inlande vorhanden ist, durch schriftliche, mit Gründen versehene Verfügung bekannt zu machen. Gegen dieselbe steht dem Vereinsvorstande die Beschwerde (#.26) zu).

Die Beschwerde ist innerhalb einer Woche nach der Zustellung der Verfügung bei der Behörde an zu bringen welche dieselbe erlassen hat.

Die Beschwerde hat keine aufschiebende Wirkung.

9.

Versa mlungen, in denen sozialdemokratische, sozia - listische oder kommunistische auf den Umsturz der best- ehe den Staats- oder Gesellschaftsordnung gerichtete Bestrebungen zu Tage treten, sind aufzulösen.

Versa mlungen, von denen durch Thatsachen die Annahme gerechtfertigt ist, dass sie zur Förderung der im ersten Absatze bezeichneten Bestrebungen bestimmt sind, sind zu verbieten.

Den Versamlungen werden öffentliche Festlichkeiten und Aufzüge gleichgestellt.

Zuständig für das Verbot und die Auflösung ist die Polizeibehörde.

Die Beschwerde findet nur an die Aufsichtsbehörden statt.

### 11.

Druckschriften, in welchen solzialdemokratische, sozialistische oder Lommunistische auf den Umsturz der bestehenden Staats- oder Gesellshhaftsordnung gerichtete Besrtebungen in einer den öffentlichen Frieden, insbesondere die Eintracht der Bevölkerungsklassen gefährdenden Weise zu Tage treten, sind zu verbieten.

Bei periodischen Druckschriften kann das Verbot sich auch auf das fernere Erscheinen erschrecken, sobald auf Grund dieses Gesetzes das Verbot einer einzelnen Nummer erfolgt.

# 12.

Zuständig für das Verbot ist die Landespolizeibehörde, bei periodischen im Inlande erscheinenden Druckschriften die Landespolizeibehörde des Bezirks, in
welchem die Druckschrift erscheint. Das Verbot der ferneren Verbreitung einer im Auslande erscheinenden periodischen Druckschrift steht dem Reichskanzler zu.

Das Verbot ist in der im # 6 Abs. 2 vorgeschriebenen Weise bekannt zu machen und ist für das ganze Bundes-

gebiet wirksam.

13.

Das von der Landespolizeibehörde erlassene Verbot einer Druckschrift ist dem Verleger oder dem Herausgeber das Verbot einer nicht periodisch erscheinenden Druckschrift auch dem auf derselben benannten Verfasser, sofern diese Personen im Inlande vorhanden sind, durch schriftliche, mit Gründen versehene Verfügung bekannt zu machen.

Gegen die Verfügung steht dem Verleger oder dem Herausgeber, sowie dem Verfasser die Beschwerde (#26) zu.

Die Beschwerde ist innerhalb einer Woche nach der Zustellung der Verfügung bei der Behörde anzubringen, welche dieselbe erlassen hat.

Die Beschwerde hat keine aufschiebende Wirkung.

14.

Auf Grund des Verbots sind die von demselben betrffenen Druckschriften da, wo sie sich zum Zwecke der Verbreitung vorfinden, in Beschlag zu nehmen. Die Beschlagnahme kann sich auf die zur Vervielfältigung dienenden Platten und Formen erstrecken; bei Druckschriften im engeren Sinne hat auf Antrag des Vertheiligten statt Beschlagnahme des Satzes das Ablegen des letzteren zu geschehen. Die in Beschlag genommenen Druckschriften, Platten und Formen sind, nachdem das Ver-

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bot endgültig geworden ist, unbrauchbar zu machen.

Die Beschwerde findet nur an die Aufsichssbehörden statt.

#### 15.

Die Polizeibehörde ist befugt, Druckschriften der im #. Il bezeichneten Art, sowie die zu ihrer Verfielfältigung dienenden Platten und Formen schon vor Erlass eines Verbots vorläufig in Beschlag zu nehmen. Die in Beschlag genommene Druckschrift ist innerhalb vierundzwanzig Stunden der Landespolizeibehörde einzureichen. Letztere hat entweder die Wiederaufhebung der Beschlagnahne sofort anzuordnen oder innerhalb einer Woche das Verbot zu erlassen. Erfolgt das Verbot nicht innerhalb dieser Frist, so erlischt die Beschlagnahme und müssen die einzelnen Stücke, Platten und Formen freigegeben werden.

# 16.

Das Einsemeln von Beiträgen zur Förderung von sozialdemokratischen, sozialistischen oder kommunistischen auf den Umsturz der bestehenden Staats- oder Gesellschaftsordnung gerichteten Bestrebungen, sowie die öffentliche Aufforderung zur Leistung solcher Beiträge sind polizeilich zu verbieten. Das Verbot ist öffentlich bekannt zu machen.

Die Beschwörde findet nur an die Aufsichsbehörden statt.

Wer an einem verbotenen Vereine (#. 6) als Mitglied sich betheiligt, oder eine Thätigkeit im Interesse eines solchen Vereins ausübt, wird mit Geldstrafe bis zu fünfhundert Mark oder mit Gefängniss bis zu drei Monaten bestraft. Eine gleiche Strafe trifft denjenigen, welcher an einer verbotenen Versammlung (#. 9) sich betheiligt, oder welcher nach polizeilicher Auflösung einer Versammlung (#. 9) sich nicht sofort entfernt.

Gegen diejenigen, welche sich an dem Vereine oder an der Versammlung als Vorsteher, Leiter, Ordner, Agenten, Redner oder Kassirer betheiligen, oder welche zu der Versammlung auffordern, ist auf Gefängniss von Einem Monat bis zu Einem Jahre zu erkennen.

18.

Wer für einen verbotenen Verein oder für eine verbotene Versammlung Räumlichkeiten hergieht, wird mit Gefängniss von Einem Monat bis zu Einem Jahre bestraft.

19.

Wer eine verbitene Druckschrift (##. 11, 12),oder wer eine von der vorläufigen Beschlagnahme betroffene Druckschrift (#. 15) verbreitet, fortsetzt oder wieder abdruckt, wird mit Geldstrafe bis zu eintausend Mark oder mit Gefängniss bis zu sechs Monaten bestraft.

Wer einem nach \*\* 16 erlassenen Verbote zuwiderhandelt, wird mit Geldstrafe bis zu fünshundert Mark
oder mit Gefängniss bis zu drei Monaten bestraft. Ausserdem ist das zufolge der verbotenen Sammlung oder
Aufforderung Empfangene oder der Werth desselben der
Armenkasse des Orts der Sammlung für verfallen zu erklären.

## 21.

Wer ohne Kennyniss, jedoch nach erfolgter Bekanntmachung des Verbots durch den Reichsanzeiger(##.6, 12)
eine der in den ##. 17, 18, 19 verbotenen Handlungen
begeht, ist mit Geldstrafe bis zu einhundertfunfzig
Mark oder mit Haft zu bestrafen.

Gleiche Strafe trifft den, welcher nach erfolgter Bekanntmachang des Verbots einem nach #. 16 erlassenen Verbote zuwiderhandelt. Die Schlussbestimmung des #. 20 findet Anwendung.

# 22.

Gegen Personen, welche sich die Agitation für die im #. 1 Abs. 2 bezeichneten Bestrebungen zum Geschäfte machen, kann im Falle einer Verurtheilung wegen Zuwiderhandlungen gegen die ##. 17 bis 20 neben der Freiheitsstrafe auf die Zulässigkeit der Einschränkung ihres Auf enthaltes erkannt werden.

Auf Grund dieses Erkenntnisses kann dem Verurtheilten der Aufenthalt in bestimmten Bezirken oder Ortschaften durch die Landespolizeibehörde versagt werden, jedoch in seinem Wohnsitze nur dann, wenn er denselben
nicht bereits seit sechs Monaten inne hat. Ausländer
können von der Landespolizeibehörde aus dem Bundesgebiete ausgewiesen werden. Die Beschwerde findet nur an
die Aufsichtsbehörden statt.

Zuwiderhandlungen werden mit Gefängniss vin Einem Monat bis zu Einem Jahre bestraft.

23.

Unter den im #. 22 Abs. 1 bezeichneten Voraussetzungen kann gegen Gastwirthe, Schankwirthe, mit Branntwein oderSpiritus Kleinhandel treibende Personen, Buchdrucker, Buchhändler, Leihbibliothekare und Inhaber von
Lesekabineten neben der Freiheitsstrafe auf Untersagung
ihres Gewerbehetriebes erkannt werden.

24.

Personen, welche es sich zum Geschäft machen, die im #. 1 Abs. 2 bezeichneten Bestrebungen zu Fördern oder welche auf Grund einer Bestimmung dieses Gesetzes rechtskräftig zu einer Strafe verurtheilt worden sind, kann von der Landespolizeibehörde die Befugniss zur gewerbsmässigen oder nicht gewerbsmässigen öffentlichen Verbreitung von Druckschriften, sowie die Befugniss

zum Handel mit Druckschriften im Umherziehen entzogen werden.

Die Beschwerde findet nur an die Aufsichsbehörden statt.

25.

Wer einem auf Grund des #. 23 ergangenen Urtheil oder einer auf Grund dse #. 24 erlassenen Verfügung zuwiderhandelt, wird mit Geldstrafe bis zu eintausend Mark, oder mit Haft oder mit Gefängniss bis zu sechs Monaten bestraft.

26.

Zur Entscheidung der in den Fällen der 4. 3, 13 erhobenen Beschwerden wird eine Kommission gebildet. Der Bundesrath wählt vier Mitglieder aus seiner Mitte und fünf aus den Mitgliedern der höchsten Gerichte des Reichs oder der einzelnen Bundesstaaten.

Die Wahl dieser fünf Mitglieder erfolgt für die Zeit der Dauer dieses Gesetzes und für die Dauer ihres Verbleibens in richterlichem Amte.

Der Kaiser erneint den Vorsitzenden und aus der Zahl der Hitglieder der Kommission dessen Stellvertreter.

27.

Die Kommisssion entscheidet in der Besetzung von fünf Mitgliedern, von denen mindestens drei zu den

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richterlichen Mitgledern gehören Masen. Vor der Entscheidung über die Beschwerede ist den Betheiligten Gelegenheit zur mündlichen oder schriftlichen Begründung ihrer Anträge zu geben. Die Kommiss ion ist befugt, Beweis in vollem Umfange, insbesondere durch eidliche Vernehmung von Zeugen und Sachverständigen, zu erheben oder mittels Ersuchens einer Behörde des Reichs oder eines Bundesstaates erheben zu lassen. Hinsichtlich derVerpflichtung, sich als Zeuge oder Sachverständiger vernehmen zu lassen, sowie hinsichtlich der im Falle des Ungehorsams zu verhängenden Strafen kommen die Bestimmungen der am Sitze der Kommission beziehungs weise der ersuchten Behörde geltenden bärgerlichen Prozessgesetze zur Anwendung. Die Entscheidungen erfolgen nach freiem Ermessen und sind endgültig.

Im Uebrigen wird der Geschäftsgang bei der Kommission durch ein von derselben zu entwerfendes Regulativ geordnet, welches der Bestätigung des Bundesraths unter liegt.

28.

Für Bezirke oder Ortschaften, welche durch die im #. 1 Abs. 2 bezeichneten Bestrebungen mit Gefahr für die öffentliche Sicherheit bedräht sind, können von den Centralbehörden der Bundesstaaten die folgenden Anordnungen, soweit sie nicht bereits landesgesetzlich zulässig sind, mit Genehmigung des Bundesraths für die



Dauer von längstens Einem Jahre getröffen werden:

- 1. dass die Versaumlungen nur mit vorgängiger Genehmigung der Polizeibehörde stattfinden dürfen; auf Versammlungen zum Zweck einer ausgeschriebenen Wahl zum
  Reichstag oder zur Landesvertretung erstreckt sich
  diese Beschränkung nicht;
- 2. dass die Verbreitung von Druckschriften auf Effentlichen Wegen, Strassen, Plätzen oder an anderen
  öffentlichen Orten nicht stattfingen darf;
- 3. dass Personen, von denen eine Gefährdung der öffentlichen Sicherheit oder Ordnung zu besorgen ist, der Aufenthalt in den Bezirken oder Ortschaften versagt werden kann;
- 4. dass der Besitz, das Tragen, die Einführung und der Verkauf von Waffen verboten, beschränkt oder an bestimmte Voraussetzungen geknüpft wird.

Ueber jede auf Grund der vorstehenden Bestimmungen getroffene Anordnung muss dem Reichstage sofort, beziehungsweise bei seinem nächsten Zusammentreten Rechenschaft gegeben werden.

Die getroffene Anordnung sind durch den Reichsanzeiger und auf die für landespolizeiliche Verfügungen vorgeschriebene Weise bekannt zu machen.

Wer diesen Anordnungen oder den auf Grund derselbenerlassenen Verfügungen mit Kenntniss oder nach er-

folgter öffentlicher Bekanntmachung zuwiderhandelt, wird mit Geldstrafe bis zu eintausend Mark oder mit Haft oder mit Gefängniss bis zu sechs Monaten bestraft.

29.

Welche Behörden in jedem Bundesstaat unter der Bezeichnung Landsspolizeibehörde, Polizeibehörde zu verstehen sind, wird von der Centralbehörde des Bundesstaates bekannt gemacht.

30.

Dieses Gesetz tritt mit dem Tage derVerkündigung in Kraft und gilt bis zum 31. Nez 1881.

Urkundlich &.

Gegeben &.

Berlin, den 19. Oktober 1878.

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#### APPENDIX II.

THE ANNUAL GOVERNMENT REPORTS SUMMARIZED.

The law of 1878 required that the government make an annual report to the Reichstag. In summary these reports are as follows:

1. Feb. 11,1879. "The means provided by the law of Oct.21,1878, has crushed the outer agitation and organization of social democracy but it has not succeeded in putting an end to the agitation arousing class hatred and teaching the overthrow of the existing social order.

"For example, in Berlin and Vicinity it was soon seen that the leaders of socialism would not cease with their acitation; they act very much as formerly only using different means because of the existence of the law.

"In the place of open agitation, secret propaganda is used. Secret societies transplant those of years before. These secret societies are united by means of 'Vertrauensmänner'."

The party leaders recommended attendance at public meetings, in order to bring socialist tendencies to bear on such. The secret introduction of papers and pamphlets published outside of Germany, was reported. It was further reported that Berlin especially had been in

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danger before the "minor state of siege"had been established there. Berlin was the seat of the chief socialist leaders and the party there was compact and extensive. Expulsions from Berlin and Potsdam were provided for by an act of Nov. 28,1878. (Verh.d.d.R. 1879 II SEss. Vel. IV. Anlagen, Nr. 14 p. 325.)

2.Feb.12,1880. It was reported that the "minor state of siege" had been prolonged for an additional year over Berlin. (It had been first instituted Nov. 28, 1878 for one year; it was renewed on Nov. 28,1879 for another year.)

The report states that outwardly the government had succeeded in quieting the movement, but adds," alein un ter der Oberfläche dauerte die Bewegung fort und aus zuverlässigen Wahrnehmungen ergab sich, dass Berlin einer der hauptsächlichsten Heerde der sozialdemokratischen Bestrebungen geblieben und durch diesselben fortgesetzt mit Gefahr für die öffentliche Sicherheit bedroht ist". It was added that the expelled leaders were at once replaced by new ones. Propaganda was being made by means of pleasure or social clubs. IT was reported also that the "Sozialdemokrat" and the "Freiheit" were much distributed in Germany.

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3. 1881. Hamburg-Altona had been put under the "minor state of siege". It was reported that socialism was making rapid progress in Schleswig-Holstein, due to systematic agitation. The law was reported insufficient to stop the growth of socialism in Hamburg. It is again reported that socialist literature is being much distributed. A later report of the same year states that socialism has not at all been disturbed by the law. If the socialist vote was small in 1881, the party was by no means deaed; growth in the large industrial centers was reported. (V. d.d.R.1881. Vol. 3. IV. Sess. p. 171. and V Sess. p. 82, Nr. 21.)

"Auch die Hoffnung, durch die sozialpolitischen Gesetzvorlagen dieselbe in ruhigere Bahnen gelenkt zu sehen, hat sich nicht erfüllt."

It was reported that 13,000 copies of the "Sozial-demokratwere confiscated during the first quarter of the year 1882. The many expulsions from Berlin disheartened the socialists, but only temporarily. No change

<sup>4.</sup> Dec. 5,1882. "Der Stand der sozialdemokratischen Bewegung in Deutschland und den übrigen Kulturstaaten ist bedauerlicher Weise zur Zeit keineswegs ein derartiger, dass auf ein Erlöschen oder auch nur auf ein Ermatten derselben mit Recht geschlossen werden dürfte".

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in the party program was to be noticed. (V.d.d.R.II.Sess 1882.Anlagen, Vol. 5 pp. 400 - 404. Nr. 99.)

5. Aug. 30,1883. The expulsions from Leipzig were reported as of no permanent effect; there was much agitation in Leipzig: Leipzig being a large industrial center, the growth was explained on these grounds. The Congress of Copenhagen demonstrated the strength of the party.

6. March6,1884. No weakening at all could be recognized in the socialist movement. The communal elections in Berlin, showed the activity and the endurance of the party. Additional activity in various associations was also reported. The later report of Nov. 27, 1884, states that the socialists of Berlin" are more conservative in their tactics: but there is no variance in their party program, and secret meetings are still held. (V.d.d.R.I Sess. 1884. Anlagen, Vol. 5. Nr. 29 pp. 88-91) Singer, in a speech before the Reichstag denies that the party had become more conservative; he claimed that the attitude of Bismarck to the party had changed (V.d. d.R. Vol. II. 1884-5.pp. 1013-1017.)

<sup>7.</sup> Nov. 19,1885. It was reported that the socialists

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had a strong hold on the working-associations. The "sozialdemokrat" was still being widely distributed. The report from Leipzig is, that there is no change to a milder program or tactics/ The growth in Saxony can be seen by the large meetings dissolved by the Saxon government. (V.d.d.R.II Sess. 1885-6. Vol. IV ANLAGEN Nr. 17 pp. 76-79.)

8. May 17,1886. A constant increase of agitation is reported, as shown also by the number of meetings dissolved by the government, the arrests made and the expulsions, all of these increased. The socialist utilized all labor meetings to spread their cause. The report suggests that more stringent measures ought to be taken against the right of association and meetings.

(V.d.d.R.II Sess. 1885-6. Vol. VI ANLAGEN Nr. 297 p. 1596)

The report from Spermberg, quite an industrial center, shows an increase in the number of socialists at that place, and in addition reports a large distribution of literature and active agitation. (Ib. Nr. 305.)

A later report of Sept.10,1886, registers a growth in the trade unions of Leipzig- these unions being imbued with a socialistic spirit. The socialists took advantage of the strike in Leipzig(1885), to spread their doctrines. (Verh. IIISess. 1886. ANLAGEN Nr. 3 p. 98.)

9. March 2,1887. Stettin had been put under the "minor state of siege", because of the growth of socialism there; 1139 socialist votes had been cast there in 1884, and the workers' associations were filled with socialist elements. About Franfurt-Offenbach we read the following: "Die Organization der sozialdemokratichen Partei ist in der Stadt und im Kreise Offenbach vollkommen durchgeführt." Much money was being collected and literature copiously distributed. (Verh. I Sess. 1887 Vol. IIIANLAGEN Nr. 19 p. 255.)

The report of Nev. 24,1887, of cours e could not overlook the election of that year in showing a great advance for socialism. Funds had even been introduced from America. (Verh. II Sess. 1887-8. ANLAGEN NR. 6 p. 90.)

A still later report states that the organization is very strong in Franfurt and that the socialists there are active in the trade-unions. It is also stated that the more radical socialists are assuming the lead. (Ibid Nr. 59 p. 305.)

<sup>10.</sup> Feb. 11,1888 No decrease in strength or agitation could be seen at Stettin. It is even recorded that, during the emperors visit there a red flag was hoisted, with the words "Long live Socialdemocracy".

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It was further reported that the socialist organizations were very active in Franfurt and that propaganda was carried on by means of pleasure clubs. (Verh. 1887-8. Vol. 3-4. ANLAGEN Nr. 125. p. 570.)

A later report of Nov. 25,1888, states that out of a total vote of 41,759,— 26,067 were polled by the socialist candidates; this was in Berlin,— an election in one of the Berlin Reichstag electoral districts, and Lieb-knecht the socialist was elected. The report from Frankfurt states that the singing societies are active in socialist agitation. Newspapers were being copiously distributed. Labor organizations were also reported as making active propaganda for socialism. (Verh. Sess., IV. 1888-9. Vol. 3-4. ANLAGIM, Nr. 26 p. 173.)

11. Oct.24,1889. In this report the government claimed that the anti-socialist law had passified the socialist agitation. (How could it do anything else? But it did not kill the movement as it had intended to and the law was practically valueless. W.B.C.)

The socialists of Berlin were reported as everywhere active, - in public meetings, in saloons, in smoking clubs, singing and pleasure clubs, and in the home and factory; by individual agitation and by the distribution of literature. There was an active agitation in the trade unions.

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The same was reported as true of Frankfurt. Hamburg reported many arrests and prosecutions; also an increase in labor organizations.

Leipzig reports perfect unity in party action and concludes therefrom that the Social Democratic Party must be a well disciplined body; also that the "Sozial-demokrat," is being distributed with great regularity. (Verh.Sess.V.1889-90. Vol.III. ANLAGEN, Nr. 35 p. 66.)

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Approved. Vietr fortheis Steen 16, 1903.

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